

Message Text

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PAGE 01 JIDDA 01876 120819Z
ACTION NEA-10

INFO OCT-01 ISO-00 SCS-06 L-03 CA-01 HA-05 H-01 PPT-01
VO-05 SP-02 EB-08 PA-01 CPR-01 INR-10 /055 W
-----083849 120828Z /15

P R 120736Z MAR 78
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC PRIORITY 1352
INFO AMCONSUL DHAHARAN
USLO RIYADH

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E.O. 11652: N/A
TAGS: CGEN, PDIP, SA, US
SUBJECT: CONSULAR CONVENTION

REF: (A) STATE 054151 (B) JIDDA 1143 (C) JIDDA 1159

1. AFTER RECEIPT OF DRAFT CONSULAR CONVENTION ON 14 FEBRUARY,
EMBASSY CABLED CONGEN DHAHARAN AND USLO RIYADH SETTING FORTH
OUR VIEWS AND COMMENTS AND SOLICITING THEIRS.

2. WE NOTED CLOSE PARALLEL, IN CHANGED FORMAT, TO VIENNA
CONVENTION ON CONSULAR RELATIONS, TO WHICH, OF COURSE, SAUDI
ARABIA IS NOT SIGNATORY. WE SAID: "WHILE STRENGTHENING OUR
HAND IN SOME PROBLEM AREAS, PROPOSED CONVENTION DOES NOT AND
PROBABLY CANNOT, OFFER POTENTIAL RELIEF IN OTHER MATTERS OF
GREAT CONCERN TO US". EMBASSY THEN SPELLED OUT SOME SPECIFIC
CHANGES FOR CONSIDERATION, REPEATED BELOW:

A. MARGINAL NUMBERS IN FOLLOWING PARAGRAPHS REFER TO
ARTICLE AND PARAGRAPH IN DRAFT.

1(I) LAST PHRASE READS, "WHICH IS SEPARATE FROM THE
DIPLOMATIC MISSION". WE SUGGEST SUBSTITUTING
WORDS, "OR IS THE DESIGNATED CONSULAR SECTION
OF THE DIPLOMATIC MISSION". COMMENT: ARTICLE
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46 OF DRAFT ADDRESSES THIS PROBLEM, PRIMARILY
TO PROTECT DIPLOMATIC RIGHTS OF MISSION STAFF
DOING CONSULAR WORK. WE THINK SPECIFIC MENTION
IN "DEFINITION OF CONSULATE" IS STILL APPROPRIATE.
1(II) DEFINITION OF "AIRCRAFT" EXCLUDES "MILITARY
AIRCRAFT". COMMENT: WE ARE CONCERNED THAT THERE
ARE CIRCUMSTANCES WHEN WE SHOULD WANT DIPLOMATIC

AND CONSULAR IMMUNITIES AND COURTESIES EXTENDED MILITARY AIRCRAFT (FOR INSTANCE TRANSPORTING THE AMBASSADOR, OTHER OFFICERS, DIPLOMATIC POUCHES, USG PROPERTY, ETC.). PERHAPS CONCEPT OF "UNARMED MILITARY AIRCRAFT" COULD BE INCORPORATED.

39(5)- SUGGEST NEXT TO LAST SENTENCE READ, "THE FIRST VISIT SHALL TAKE PLACE, ETC". LAST SENTENCE READ, "SUBSEQUENT VISITS MAY BE MADE ON A RECURRING BASIS, AT REASONABLE FREQUENCY". COMMENT: SUGGESTING "AT LEAST ONCE A MONTH" COULD TIE OUR HANDS ESPECIALLY IN EARLY DAYS OF INTERROGATION, PREPARATION FOR HEARINGS, ETC., VERY FREQUENT MEETINGS MIGHT BE NECESSARY.

39(6)- ADD AFTER "PROCEEDINGS" --- "ACCOMPANIED BY AN INTERPRETER SHOULD THE CONSULAR OFFICER DEEM THIS NECESSARY".

39(7)- AMEND TO READ "---PARCELS CONTAINING GOODS FOR HIS PERSONAL USE SUCH AS FOOD, ETC".

39(9)- THIS SEEMS TO SEEK PRIVILEGES FOR DUAL NATIONAL NOT NECESSARILY ACCORDED TO STRAIGHT AMCAT. LAST SENTENCE ON "LEAVE::: WITHOUT FURTHER DOCUMENTATION" MAY MEAN ON BASIS OF SENDING COUNTRY PASSPORT, BUT MIGHT SEEM TO ASK WAIVING OF SAUDI EXIT VISA REGULATIONS (WHICH WE WOULD FAVOR FOR ALL, BUT ARE NOT LIKELY TO GET).

41(2)- STRIKE "IF PERMITTED BY THE LAW OF THE RECEIVING LIMITED OFFICIAL USE

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STATE". SUCH SHRAVE IS NOT IN 39-6 AND SHOULD NOT BE HERE. IF THERE IS A "LOCAL LAW" PROBLEM, WE SHOULD NEGOTIATE TO CIRCUMVENT. ALSO RIGHT TO HAVE INTERPRETER IS NEEDED.

43 AND 44 - ARTICLE ALSO NEEDED TO PROTECT SHIPS (ESPECIALLY PRIVATE YACHTS) AND AIRCRAFT AGAINST CHARGES OF ILLEGAL ENTRY WHEN FORCED INTO TERRITORIAL WATERS OR MEDICAL EMERGENCY WHEN VESSEL, AIRCRAFT OR CREW ARE WITHOUT VISAS OR OTHERWISE NOT PROPERLY DOCUMENTED FOR ENTRY. IMMEDIATE NOTIFICATION TO CONSUL, CONSULAR ACCESS AND ASSISTANCE SHOULD BE AGREED.

45(3)- PASSAGE "NOT... INTERFERE IN THE INTERNAL AFFAIRS OF THE RECEIVING STATE "SHOULD HAVE CAVEAT THAT NORMAL PURSUIT OF CONSULAR ACTIVITIES IN PROTECTION CASES (ARREST, TRIAL, ETC.) IS NOT TO BE CONSTRUED AS INTERFERENCE.

3. WE ARE REPEATING DHARAHAN'S 0303 IN WHICH CONGEN SUBMITTED ITS VIEWS. BOTH THIS CABLE AND TEXT QUOTED ABOVE WERE DISCUSSED BY CONSULAR COORDINATOR WITH PRINCIPAL OFFICER USLO WHO CONCURS IN BOTH.

WILEY

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